



SANDY PASCH

STATE REPRESENTATIVE

Assembly Bill 510
Testimony of Representative Sandy Pasch
October 21, 2009

Good morning, Ms. Chairwoman and members of the committee. Thank you for allowing me to testify on this important piece of legislation today.

Act 28 provided an outline for the new graduated licensing structure and certification process for foster care. The graduated licensing structure was created to ensure that children are placed in homes that best meet their needs. It creates five levels of licensed foster care that will now include Kinship providers. This will provide clearer standards and greater resources for all foster care homes while allowing the state to receive \$6.5 million in federal funding.

However, the budget bill did not provide a method by which current Kinship Care providers would be integrated into the new system or how those providers in the future will be integrated into the new foster care system. Assuring that as many of those providers become licensed as possible is critical to the operation of the program and in order to obtain full reimbursement from the federal government for additional funds to license Kinship Care providers. Most importantly, it ensures that relative providers will still be maintained as a placement resource for children who are removed from their homes.

While this system was approved and signed into law, there are some technical changes and further clarifications required to meet all federal requirements and make the new system operational. This bill fills in these gaps and provides the department with the tools necessary to realize the \$6.5 million in savings required in the budget. If this bill does not pass by January 1, 2010, the Department of Children and Families will have a \$6.5 million hole in the child welfare budget that will have to be filled.

I have worked very closely with the Department of Children and Families and Chairwoman Grigsby on these technical—yet extremely important—changes to our graduated foster care licensing system. Their support has been vital in working to strengthen our foster care system and comply with federal law.

I appreciate your consideration of this proposal and urge you to swiftly act upon these changes.

Jim Doyle
Governor



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Reggie Bicha
Secretary

October 21, 2009

TO: Senate Committee on Children and Families and Workforce Development
Assembly Committee on Children and Families

FROM: Kimmie Collins
Legislative Liaison, Department of Children and Families

RE: SB361/AB510 Relating to: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

Act 28 provided an outline for the new graduated licensing structure and certification process for foster care. The graduated licensing structure was created to ensure that children are placed in homes that best meet their needs.

The budget bill did not provide a method by which current Kinship care providers would be integrated into the new system or how those providers in the future will be integrated into the new foster care system. Assuring that as many of those providers become licensed as possible is critical to the operation of the program and to realizing the federal funding reimbursement anticipated by Act 28. Most importantly it ensures that relative providers will still be maintained as a placement resource for children who are removed from their homes.

This bill fills in these gaps and provides the department with the tools necessary to realize the \$6.5 million in savings required in the budget. If this bill does not pass by January 1, 2010 DCF will have a \$6.5 million hole in the child welfare budget that will have to be filled.

This bill will allow all foster parents certified at Level 1 – not just relatives - a rate increase of 2.5%. The change provides equity for relative care providers and is thus necessary for compliance with federal law. This change will have no fiscal impact because it was already calculated in the DCF budget allocations.

Under the new licensing structure, foster parents will be certified at different levels of care, and children will be assessed at those levels of care so that they can be placed with foster parents who can meet their needs. For the most part, foster parents will care for

children only assessed at their level of certification or lower. However, the bill creates an exception to allow a foster parent to care for a child assessed at a higher level of care, if supports and services match the child's needs. This will avoid disrupting current placements and give child welfare agencies flexibility to make placements to address the child's connections with siblings, local community, and culture. However, it will not allow counties to place a child with an under qualified provider to save money. In order for a child with a high level of care need to be placed with a caregiver who has a lower level of licensure, an exception must be granted and the supports and services must be explained and implemented prior to the placement.

For example, Grandma is caring for her grandson who has high medical needs that she has been trained to provide by medical staff. The child has no other behavioral or emotional needs that exceed normal child development. Grandma applies for a foster care license and gets certified as a Level 1 provider. Grandma does not want to seek letters of recommendation or attend ongoing training as required at Level 2 certification. Grandma is willing to continue to work with medical professionals to provide for her grandsons medical needs and agrees to any additional supports/services the agency involves. Grandma could be granted an exception so that she could continue to care for her grandson.

Any existing court-ordered Kinship Care provider will be required to be licensed within 4 months of their current annual renewal date for Kinship Care under this bill. The time frame will also allow current Kinship Care providers more time to get licensed and county agencies time to spread the workload throughout the year.

If the out-of-home care provider is not licensable or refuses licensure, at the next permanency plan hearing the social worker must make a recommendation, and the court must make a determination as to continued placement of the child in the home. If it is determined that the provider is not eligible for licensure, TANF payments can be extended beyond these time-limits if the provider meets all the following criteria:

- The family is deemed unlicensable
- The agency recommends that the placement continues
- The court considers information gathered by the agency related to background checks, physical safety of the home, and an assessment of the ability and capacity to care for the child and the court decides to continue the child's placement with that provider
- The provider meets all other Court-ordered Kinship Care program criteria, except the time-limit to the funding

Lastly, this bill allows counties to license a relative foster parent in another county without going through the current county agreement process. The result will be continued timely placements for children. Current law exists so that large counties do not license homes in another county and deplete the other counties resources. Without this change a barrier to placements with relatives will exist. To ensure that licensing counties still meet their responsibilities, any county licensing a relative in another county will still need to notify that county of the new licensure, and all the same requirements for placement and care responsibility will still apply. Therefore

the placing county will still have to cover the costs of the placement and can only license the child specific relative home.

Thank you for your time and I hope that you can support this bill to allow better placements for kids in Wisconsin.